

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

TERRY WAYNE MORRIS

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Case No. 4:08cr109
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 4, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Jennifer Bray.

On October 20, 2008, Defendant was sentenced by the Honorable Richard A. Schell to twenty-one (21) months' custody followed by three (3) years of supervised release for the offense of Counterfeiting and Forging Obligations or Securities of the United States. On April 28, 2010, Defendant completed his period of imprisonment and began service of his supervised term.

On January 7, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various mandatory, standard, and special conditions. Violation allegation three was dismissed by the Government. The petition alleged violation of the following additional mandatory condition: defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within fifteen days of release from imprisonment and at least two periodic tests thereafter, as determined by the court. The petition also alleged violation of the following standard condition: that defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as

prescribed by a physician.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining allegations. The Court recommends that Defendant's supervised release be revoked.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eleven (11) months with no supervised release to follow. It is also recommended that Defendant be housed in the Fort Worth unit.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 6th day of June, 2013.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE